



Whistleblower Policy

1. Purpose

King's Own Institute (KOI) is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

KOI is also committed to integrity, accountability and compliance with applicable legislation, including whistleblower protections under Australian law. KOI's policy in relation to whistleblower disclosures of potential misconduct is that such disclosures will be received, assessed and, where appropriate, investigated in accordance with Australian law and this Policy, including applicable confidentiality requirements and the rights and protections of disclosers and persons who are the subject of a disclosure.

This Policy provides the framework for raising concerns about potential, suspected or actual misconduct within King's Own Institute (KOI) through whistleblowing processes. Its purpose is to encourage disclosures of wrongdoing and to ensure that people who make disclosures can do so safely, securely and with confidence that they will be protected and supported. This Policy is intended to support compliance with Part 9.4AAA of the *Corporations Act 2001* (Cth) and establishes processes for the making, assessment and management of disclosures and the protection of eligible whistleblowers.

2. Scope

This Policy applies to all current and former directors and committee members, staff including permanent, casual and contract workers, contractors, agents (or a relative, dependant or spouse of any such persons) and students, who have reasonable grounds to suspect that potential misconduct has occurred or is occurring in KOI.

This Policy does not ordinarily apply to personal work-related grievances or study-related complaints, which should be managed under the Complaints Policy (for staff) or the Complaints and Appeals Policy (for students), as applicable. A personal work-related grievance may nevertheless qualify for statutory whistleblower protection where the requirements of the *Corporations Act 2001* (Cth) are satisfied.

3. Related Documents

This Policy is to be read in conjunction with KOI's:

- Complaints and Appeals Policy (for students).
- Complaints Policy (for staff).
- Student Code of Conduct.
- Code of Conduct (for staff).
- Privacy Policy.



4. Definitions

Potential Misconduct	Any suspected or actual misconduct or an improper state of affairs in relation to KOI including dishonest, fraudulent or corrupt conduct, mismanagement of conflicts of interest, illegal activity, academic and research misconduct, activities which pose a risk to health and safety, and activities which are unethical, improper, reputationally damaging, in breach of KOI's policies or procedures and/or KOI's legislative and regulatory obligations.
Whistleblower	A person who makes a disclosure under this Policy about potential, suspected or actual misconduct.
Whistleblowing	The act of raising concerns about potential, suspected or actual misconduct within KOI.
Protected Disclosure Officer	An authorised person designated to receive and manage whistleblower disclosures under this Policy.
Investigation Officer	An independent person appointed to conduct an investigation.
Detriment	Dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.
Qualifying Disclosure	A disclosure that satisfies the requirements for protection under Part 9.4AAA of the Corporations Act 2001 (Cth).
Personal Work-Related Grievance	A grievance about a person's employment or former employment that has implications for the person personally and does not have significant implications for KOI beyond those personal circumstances, subject to the statutory exceptions in the Corporations Act 2001 (Cth).
Vexatious or Repeated Disclosure	A disclosure or series of disclosures that, following assessment, is found to be knowingly false, malicious, abusive, substantially repetitive of matters already investigated or determined without materially new information, or otherwise an improper use of the whistleblower process. A disclosure is not vexatious merely because it is persistent, inconvenient, critical of KOI or ultimately unsubstantiated.
Eligible Recipient	A person or body to whom a disclosure may be made so as to qualify for statutory protection under applicable whistleblower legislation. Protected Disclosure Officers are KOI's designated internal recipients under this Policy, but other eligible recipients may exist under law.



5. Principles

Whistleblower disclosures submitted in accordance with this Policy will be received and treated seriously and with appropriate sensitivity. Matters will be assessed fairly and objectively, in a timely manner, and in accordance with this Policy and applicable law.

KOI is committed to the following principles:

- KOI encourages people to speak up, to make complaints and raise concerns about integrity,
- KOI staff who become aware of known, suspected, or potential cases of potential misconduct are expected to make a report under this policy.
- KOI responds appropriately to concerns about potential misconduct, whether provided as feedback, a complaint or a whistleblower disclosure.
- All disclosures will be assessed promptly. A formal investigation will be undertaken where the initial assessment determines that an investigation is warranted, and any investigation will be conducted by appropriately qualified and independent personnel.
- Individuals subject to allegations will be treated fairly and given an opportunity to respond.
- Disclosers whose disclosures satisfy the statutory requirements qualify for protection under Part 9.4AAA of the Corporations Act 2001 (Cth).
- Whistleblowers are not victimised, their identity is protected to the fullest extent permitted by law, and they are treated fairly and with respect at all times.
- KOI will not retaliate against a person for making, proposing to make, or being suspected of making a protected disclosure. KOI will take reasonable steps to prevent dismissal, demotion, discrimination, harassment or any other form of detriment connected with a protected disclosure.
- KOI will consider disciplinary action where anyone has caused detriment to another because they have or want to make a disclosure.
- Reports must be based on reasonable grounds. A disclosure will not be treated as improper merely because it is not substantiated. However, knowingly false, deliberately misleading, malicious or abusive disclosures may result in disciplinary or other appropriate action, subject to applicable law.
- KOI will provide regular orientation and training on whistleblowing for its students and staff.

6. Disclosure to Protected Disclosure Officers

There are both informal and formal ways in which concerns can be raised depending on the circumstances and the level of seriousness of the issue.

Informal disclosures relating to matters that are minor or can be resolved easily can be raised, where the person making a disclosure is comfortable to do so, with a manager (for staff) or a teacher (for students). This policy does not address the resolution of informal disclosures.

Formal disclosures relating to more serious matters, or where the person making a disclosure is not comfortable about raising the matter informally, may be reported to any of the following Protected Disclosure Officers:

- A Director of Australian Institute of Business and Management Pty Ltd trading as KOI.
- Chief Executive Officer and President.
- Company Secretary.
- Director Governance Risk and Compliance.



Under certain circumstances, formal disclosures can also be made to the following external bodies:

- A legal practitioner for the purpose of obtaining legal advice or legal representation.
- A regulator (for example, ASIC, ATO, TEQSA).

Under certain circumstances, public interest disclosures or emergency disclosures can be made to a journalist or parliamentarian. A whistleblower should consult an independent legal adviser before making a disclosure of this type.

7. Making a disclosure

Whistleblowers may report concerns to Protected Disclosure Officers through:

- A dedicated whistleblower email address. Reports may be made via whistleblower@koi.edu.au, which is independently monitored by the Director, Governance, Risk and Compliance.
- A secure online reporting form.
- Direct contact with a Protected Disclosure Officer.
- Anonymously (if preferred).

Disclosures should be in writing, although verbal disclosure is acceptable provided the whistleblower makes it clear that they are making a disclosure in accordance with this policy.

Formal disclosures should include:

- Description of the alleged wrongdoing.
- Names of individuals involved (if known).
- Dates, locations, and supporting evidence.
- Any steps already taken to address the matter.

8. Initial Assessment and Investigation

Reports alleging potential misconduct will be assessed initially by the Protected Disclosure Officer to determine if and how they should be investigated in accordance with this Policy and whether the potential misconduct is of a serious nature.

Following the initial assessment, formal disclosures to a Protected Disclosure Officer must be notified to the Director, Governance, Risk and Compliance, who will maintain a register of formal disclosures. Privacy, confidentiality and statutory restrictions on disclosure of identifying information must be observed and may limit the information recorded or circulated.

Where a disclosure concerns serious misconduct, the Protected Disclosure Officer must immediately notify the CEO and President and the Chair of the Audit & Risk Committee, unless either is the subject of the disclosure or notification would otherwise create an actual, potential or perceived conflict of interest.

Not every formal disclosure will require a formal investigation. Following the initial assessment, KOI may determine that no further investigation is warranted, that further information should be sought, that the matter should be referred to another process, or that a formal investigation should commence. Anonymous disclosures will be assessed and, where appropriate, investigated to the extent reasonably possible.



Repeated or vexatious disclosures

Where a disclosure substantially repeats matters that have previously been investigated, considered or determined, KOI is not required to reopen the matter or provide further substantive responses unless materially new information is provided or there is another reasonable basis to reconsider the matter.

Following an appropriate assessment, KOI may limit further correspondence concerning a matter where continued communications are repetitive, abusive, knowingly false or otherwise constitute an improper use of the disclosure process. Any such decision must be documented and must not affect any protection to which a person is entitled under applicable whistleblower legislation.

a. Investigation Process

The Protected Disclosure Officer may investigate the matter directly or consult another Protected Disclosure Officer to determine how KOI will respond, including referring the matter to an independent Investigation Officer.

A Protected Disclosure Officer should not conduct the investigation themselves if:

- They are unable to do so for any reason.
- There is an actual, potential or perceived conflict of interest.

If the formal disclosure relates to serious misconduct, the CEO and President and/or the Chair of the Audit and Risk Committee may require the matter to be investigated by an independent person or legal advisor. If the matter relates to the CEO and President, approval must be sought from the Chair of the Council to engage external legal advisers to oversee the investigation.

Investigations will be conducted promptly, impartially and confidentially, and in accordance with procedural fairness.

The investigation will be documented with records of evidence obtained, including notes of interviews.

In all cases:

- All staff and contractors must cooperate fully with any investigations.
- Individuals to whom the disclosure relates will be informed of the allegation at an appropriate time and will be given a chance to respond.

b. Outcomes

At the end of the investigation, the Investigation Officer or Protected Disclosure Officer must submit a confidential report to the CEO and President (or the Chair of the Council if the CEO & President is the subject of the investigation) setting out the result of the investigation and recommended actions.

Where an investigation identifies a breach, appropriate disciplinary action may be taken by the CEO and President.



c. Reporting

In the event that the matter is considered to be serious, the Council must be informed immediately of the outcome to the extent appropriate and lawful.

In the event that the matter is not considered to be serious, the CEO and President must, in accordance with Section 11, include the matter in the quarterly report provided to the Audit & Risk Committee and the Council summarising the matter and the actions taken.

If there has been a suspected or actual breach of the law, the CEO and President or the Council may refer the matter to the relevant legal authority after taking legal advice, where appropriate.

The whistleblower will be informed of the outcome to the extent appropriate and lawful.

9. Protection and Support

A disclosure receives statutory protection where the requirements of Part 9.4AAA of the Corporations Act 2001 (Cth) are satisfied. Eligible whistleblowers may include current and former KOI directors and officers, staff (including permanent, casual and contract workers), contractors, agents and certain relatives or dependants of those persons. While students will not ordinarily be eligible whistleblowers under the Corporations Act, KOI will take reasonable steps to protect students who raise genuine concerns from retaliation or other adverse treatment.

KOI prohibits victimisation or detriment against a person because they have made, may make, propose to make, or are suspected of making a protected disclosure.

KOI will:

- protect the whistleblower's identity;
- protect whistleblowers from detriment;
- protect a whistleblower from disciplinary or legal action for making a protected disclosure, to the extent required by law;
- provide access to appropriate support services, including the Employee Assistance Programme and Student Counsellors;
- take appropriate action where a person victimises or retaliates against a whistleblower; and
- maintain secure records of disclosures and investigations.

Protection of persons subject to a disclosure

A person who is the subject of a disclosure is entitled to procedural fairness and to have allegations concerning them dealt with objectively, confidentially and without unreasonable damage to their reputation.

The making of a disclosure does not, of itself, establish that misconduct has occurred. Where appropriate, and subject to confidentiality obligations and applicable law, the person concerned will be informed of the substance of the allegations and given a reasonable opportunity to respond before adverse findings are made.



Nothing in this Policy limits any lawful right or remedy available to a person who is the subject of a disclosure. However, no action may be taken against a person merely because they have made a disclosure that is protected by law.

A person who knowingly makes a false or deliberately misleading disclosure, or who otherwise abuses the disclosure process, may face disciplinary or other appropriate action, subject to applicable law. A disclosure will not attract adverse action merely because it is not substantiated.

10. Recordkeeping and Confidentiality

All disclosures, investigation records, and outcomes will be:

- Stored securely.
- Accessible only to authorised personnel.
- Retained in accordance with the Documents and Records Control Policy and legal requirements.

Personal information will be handled in accordance with privacy legislation.

11. Reporting

The CEO and President will provide a quarterly, appropriately de-identified report to the Audit & Risk Committee and the Council covering:

- The number and type of whistleblower reports.
- The status of active investigations.
- The outcome of completed investigations.
- Systemic issues raised in the investigations.

The Audit & Risk Committee will recommend whether any matters arising from the reports should be further considered by the Council.

12. Roles and Responsibilities

Roles and responsibilities under this Policy include:

Council:

- Oversees the effectiveness of the whistleblower framework.
- Receives reports on significant disclosures and systemic issues.

Audit & Risk Committee

- Receives and considers reports on the status of disclosures, outcomes of investigations and systemic issues.
- Makes recommendations to the Council regarding significant instances of misconduct and systemic issues

CEO and President:

- Overall accountability for the culture of honest and ethical behaviour at KOI.
- Responsible for implementation and monitoring of this Policy.
- Preparing quarterly reports for the Audit & Risk Committee and the Council on whistleblower reports.



- Providing immediate notification to the Chair of the Council and the Chair of the Audit & Risk Committee of any disclosure of a serious nature.

Protected Disclosure Officers:

- Receiving and assessing whistleblower disclosures.
- Determining how disclosures will be investigated.
- Overseeing investigations and preparing confidential reports.
- Protecting the identity and welfare of whistleblowers.

All staff and contractors:

- Reporting known, suspected or potential cases of misconduct.
- Cooperating fully with any investigations.

All persons with responsibilities under this policy will be advised of any changes, as required.

13. Non-Compliance

Failure to comply with this policy may result in disciplinary action and, where applicable, referral to external authorities.

14. Training

Protected Disclosure Officers and other eligible recipients will receive appropriate training on their responsibilities under this Policy, including how to identify a potentially Qualifying Disclosure, distinguish a protected disclosure from a Personal Work-Related Grievance, maintain confidentiality, manage escalation, prevent detriment and determine when legal advice should be obtained.

Relevant staff will receive information on the operation of this Policy as part of induction and periodic awareness activities. KOI will maintain appropriate records of training provided to Protected Disclosure Officers and other eligible recipients. Refresher training will be provided periodically and following material legislative or policy changes.

15. Associated Information

Relevant legislation:

- Corporations Act 2001 (Cth).
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).

Web links:

- ASIC <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

16. Review

This Policy will be reviewed every three years, or earlier if required due to legislative or regulatory changes, material incidents, or identified deficiencies in its operation.

Document control

Policy title	Whistleblower Policy
Policy owner	CEO and President



Policy administrator	Director, Governance, Risk and Compliance
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Policy approver	Council of Directors, on the recommendation of the Audit & Risk Committee
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Changes in this version	Updated to strengthen statutory alignment, clarify initial assessment and investigation thresholds, address repeated or vexatious use of the disclosure process, strengthen eligible-recipient training, and improve drafting and punctuation consistency.

KOI amends its policies periodically and printed copies of this document, either in part or whole, are considered as uncontrolled and should not be relied upon as the most current document. It is the responsibility of individuals printing the document to always refer to the KOI website for the current version.

*****END OF POLICY*****